

REMARKS

I. Introduction

With the addition of new claims 16 to 29, claims 1 to 29 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Objection to the Drawings

As regards the objection to the drawings, the Examiner will note that new Figure 5 is added herein and that the Specification has been amended herein to refer to new Figure 5. Neither the addition of Figure 5 nor the amendments to the Specification add any new matter. In view of the foregoing, withdrawal of this objection is respectfully requested.

III. Rejection of Claims 1 to 3, 5, 6 and 9 to 15 Under 35 U.S.C. § 102(b)

Claims 1 to 3, 5, 6 and 9 to 15 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,283,434 ("Ishizuka et al."). It is respectfully submitted that Ishizuka et al. do not anticipate the present claims as amended herein for at least the following reasons.

Claim 1 relates to a position transducer. According to the present application, an aspect is to provide that at least one deflector element, e.g., a mirror 14.1, may be spatially aligned or adjusted by itself, independently of all other signal-generating devices. See, e.g., page 2, line 35 to page 3, line 1 of the Specification. Claim 1 has been amended herein without prejudice to recite that an adjustment device is configured to enable only spatial alignment of at least one deflector element independently of any other signal-generating component arranged in a scanning device of the position transducer. Support for this amendment may be found, for example, on page 2, line 35 to page 3, line 1 and on page 3, lines 7 to 19

AMENDMENTS TO THE DRAWINGS:

One (1) new sheet of drawings is submitted herewith. The one (1) new sheet of drawings includes new Figure 5. No new matter has been added.

of the Specification. Independent claim 15 has been amended herein without prejudice in an analogous manner.

In stark contrast to the foregoing, Ishizuka et al. state that the screws 13, which the Office Action contends constitute an adjusting mechanism, fix optical members that are located within the casing 5. Col. 7, lines 17 to 25. These optical elements include light-emitting element 1 and photosensor elements 4A, 4B and 4C. Col. 7, lines 10 to 12. For at least the reason that the light-emitting element 1 is located in the casing and is movable with the mirror 2, it is respectfully submitted that the screws 13 do not constitute an adjustment device that is configured to enable only spatial alignment of at least one deflector element independently of any other signal generating component arranged in a scanning device. Ishizuka et al. do not disclose, or even suggest, any other such adjustment device.

It is "well settled that the burden of establishing a prima facie case of anticipation resides with the [United States] Patent and Trademark Office." Ex parte Skinner, 2 U.S.P.Q.2d 1788, 1788 to 1789 (Bd. Pat. App. & Inter. 1986). To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Since Ishizuka et al. fail to disclose, or even suggest, all of the features recited in amended claims 1 and 15, it is respectfully submitted that Ishizuka et al. do not anticipate amended claims 1 and 15.

As for claims 2, 3, 5, 6 and 9 to 14, which ultimately depend from claim 1 and therefore include all of the features recited in claim 1, it is respectfully submitted that Ishizuka et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 1.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 4, 7 and 8 Under 35 U.S.C. § 103(a)

Claims 4, 7 and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ishizuka et al. It is respectfully submitted that Ishizuka et al. do not render unpatentable claims 4, 7 and 8 for at least the following reasons.

Claims 4, 7 and 8 ultimately depend from claim 1 and therefore include all of the features recited in claim 1. As more fully set forth above, Ishizuka et al. do not disclose, or even suggest, all of the features recited in claim 1, from which claims 4, 7 and 8 ultimately depend. It is therefore respectfully submitted that Ishizuka et al. do not render unpatentable dependent claims 4, 7 and 8 for at least the same reasons more fully set forth above in support of the patentability of claim 1.

As regards the unsupported allegations of well-known fact appearing on page 5 of the Office Action, Applicants respectfully traverse and respectfully request that published information and/or an affidavit under 37 C.F.R. § 1.104(d)(2) be provided should these unsupported allegations of well-known fact be maintained.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. New Claims 16 to 29

New claims 16 to 29 have been added herein. It is respectfully submitted that new claims 16 to 29 add no new matter and are fully supported by the present application, including the Specification.

Since claim 16 depends from claim 1, it is respectfully submitted that claim 16 is patentable over Ishizuka et al. for at least the same reasons more fully set forth above in support of the patentability of claim 1.

Since claim 17 includes features included in claim 1 not disclosed or suggested by Ishizuka et al., it is respectfully submitted that claim 17 and claims 18 to 28, which ultimately depend from claim 17, are patentable over Ishizuka et al. for at least the same reasons more fully set forth above in support of the patentability of claim 1.

Claim 29 recites, inter alia, that an adjustment device is configured to enable spatial alignment of at least one deflector element independently of other signal-generating devices and independently of a light source of a light beam. Since, as indicated above, Ishizuka et al. describe that the light-emitting element 1 is movable with the mirror 2, it is respectfully submitted that claim 29 is patentable over

Ishizuka et al. for at least the reason that Ishizuka et al. do not disclose, or even suggest, an adjustment element as recited in claim 29.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

KENYON & KENYON

Date:

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By:

Richard L. Mayer
Reg. No. 22,490

One Broadway
New York, New York 10004
(212) 425-5288
CUSTOMER NO. 26646